

## INTERFERENCE DIGEST

Interference No. 104,727

Paper No. 38

Name: Bruce Roser et al.

Serial No.: 08/923,783

Patent No.

Title: METHOD FOR STABLY INCORPORATING SUBSTANCES WITHIN DRY  
FOAMED GLASS MATRICES AND COMPOSITIONS OBTAINED THEREBY

Filed: 09/04/97

Interference with Bronshtein

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 3/3/03

\_\_\_\_\_  
\_\_\_\_\_

Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This should be placed in each application or patent involved in interference in addition to the interference letters.

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper **39**

Filed by: Richard E. Schafer  
Administrative Patent Judge  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed:  
3 March 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FAXED**

VICTOR BRONSHTEIN,  
Junior Party,  
(Patent 5,766,520)

MAR 3 - 2003

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

v.

BRUCE ROSER and ENDA MARTIN GRIBBON,  
Senior Party  
(Application 08/923,783).

Patent Interference No. 104,727

**FINAL JUDGMENT**


A response to an order to show cause why judgment should not be entered against the junior party was due on February 20, 2003. No response having been filed, it is appropriate to enter judgment against the junior party. Accordingly, it is

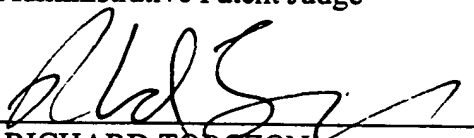
**ORDERED** that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the junior party, VICTOR BRONSHTEIN;

**FURTHER ORDERED** that junior party, VICTOR BRONSHTEIN, is not entitled to a patent containing claims 1-14 (corresponding to Count 1) of Patent 5,766,520;

**FURTHER ORDERED** that a copy of this judgment be made of record in the file of Patent 5,766,520 and in Application 08/923,783; and

**FURTHER ORDERED** that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

  
RICHARD E. SCHAFER  
Administrative Patent Judge

  
RICHARD TORCZON  
Administrative Patent Judge

  
CAROL SPIEGEL  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

cc (via FAX):

Attorney for the common assignee (real party  
in interest Elan Drug Delivery Ltd.):

Debra A. Shetka, Esq.  
Thomas E. Ciotti, Esq.  
Madeline I. Johnston, Esq.  
MORRISON & FOERSTER, LLP  
755 Page Mill Road  
Palo Alto, CA 94304-1018

Tel: 650-813-5610

Fax: 650-494-0792

E-mail:

dshetka@mofo.com

tciotti@mofo.com

mjohnston@mofo.com